

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASON CHARLES KOPP,
Petitioner,
v.
MARTINEZ,
Respondent.

No. 2:22-cv-0280-TLN-JDP

ORDER

This matter is before the Court on pro se Petitioner Jason Charles Kopp's ("Petitioner") Motion for Relief from Judgment.¹ (ECF No. 28.) Respondent Martinez ("Respondent") did not file an opposition. For the reasons set forth below, the Court DENIES Petitioner's motion.

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¹ As discussed below, the Court construes Petitioner's objections as a motion for relief from judgment.

1 A detailed recitation of the factual and procedural history is not necessary for the
 2 disposition of Petitioner's motion. As relevant here, Petitioner is a state prisoner challenging his
 3 criminal conviction via a writ of habeas corpus (the "Petition"). On November 30, 2022, the
 4 magistrate judge made findings and recommended the Court grant Respondent's motion to
 5 dismiss the Petition as time-barred ("F&Rs"). (ECF No. 22.) The F&Rs were served on
 6 Petitioner via United States mail that same day, and any objections thereto were due within
 7 fourteen (14) days. (*Id.*) Petitioner timely filed objections to the F&Rs but did not contest the
 8 magistrate judge's findings related to the timeliness of the Petition. (ECF No. 23.) Instead,
 9 Petitioner argued that he is factually innocent and that the conditions of his confinement during
 10 the COVID-19 pandemic precluded him from timely filing the Petition.² (*Id.*)

11 On February 8, 2023, the Court adopted the F&Rs in full and dismissed the Petition with
 12 prejudice. (ECF No. 25.) The Court declined to issue a certificate of appealability under 28
 13 U.S.C. § 2253 and ordered the Clerk of Court to close the case. (*Id.*) The Clerk of Court entered
 14 Judgment that same day. (ECF No. 26.)

15 On February 20, 2024, Petitioner filed renewed "objections" to the F&Rs, asking the
 16 Court to find in his favor. As discussed above, however, Petitioner already submitted objections
 17 to the F&Rs, and Judgment has already been entered in this case. Nevertheless, the Court
 18 construes Petitioner's objections as a motion for relief from judgment. *See Hebbe v. Pliler*, 627
 19 F.3d 338, 342 (9th Cir. 2010) (court must construe pro se plaintiff's pleadings liberally); *Fair v.*
 20 *Atchley*, No. 2:20-CV-01107-TLN-DB, 2024 WL 2922599, at *1 (E.D. Cal. May 16, 2024)
 21 (construing untimely objections to F&Rs as a motion for relief from judgment).

22 On motion and just terms, a district court may relieve a party from a final judgment or
 23 order for the following reasons:

24 (1) mistake, inadvertence, surprise, or excusable neglect;

25 (2) newly discovered evidence that, with reasonable diligence,
 26 could not have been discovered in time to move for a new trial
 under Rule 59(b);

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 28 ² Petitioner advanced these same arguments in his opposition to Respondent's motion to
 dismiss, which the magistrate judge rejected in the F&Rs. (*See* ECF No. 22.)

- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

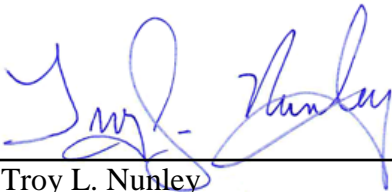
Fed. R. Civ. P. 60(b).

Petitioner does not argue any of the first five categories (nor does the Court find them applicable), leaving only the sixth, catchall category. Petitioner contends the Court should rule in his favor because the plea deal signature on March 19, 2019, is not lawful because Petitioner was never given medical help. (ECF No. 28.) Even if this were true, Petitioner fails to demonstrate why this entitles him to the extraordinary relief he seeks.

Accordingly, the Court DENIES Petitioner's Motion for Relief from Judgment. (ECF No. 28.)

IT IS SO ORDERED.

Date: September 24, 2024



Troy L. Nunley
United States District Judge